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Examiner Jes F. Pascua	AU 3782; U.S. Patent Office	571-272-4546	571-273-8300

Please see attached Applicant Interview Request Form and Informal Draft Response for Interview Purposes.

Please contact Applicant's attorney Steven Giovannetti at 310-788-3231 to confirm that the proposed interview time is acceptable or to schedule another time.

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## Continuation Sheet for Form PTOL-413A – Applicant Initiated Interview Request Form

## Issues To Be Discussed

Issues (Rej., Obj., etc.)		Claims/Fig. #s	Prior Art
(1)	35 U.S.C. 103(a) OA ¶ 8	2,5,8-15,19,21,24-29,31,32,42,48- 54,59,61,63,65	Kucksdorf US 5,338,117; Dolheimer US 3,249,285
(2)	35 U.S.C. 103(a) OA ¶ 9	4,16,17,20,30,44,56-58,60,62,64	Kucksdorf, Dolheimer, and Warr US 5,593,229
(3)	35 U.S.C. 103(a) OA ¶ 10	2,5-8,10,13-15,19,21-23,25,79- 29,31,42,46-48,50,53,54,59,61,63	Anspacher US 5,782,562; Dolheimer
(4)	35 U.S.C. 103(a) OA ¶ 11	2,4-15,19-29,31,42,44,46- 54,59,61,63,65	Krings US 3,383,017; Dolheimer

# INFORMAL DRAFT FOR INTERVIEW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF: NANCY LUCAS ET AL.

APPLICATION No.: 10/657,065

FILED: SEPTEMBER 9, 2003

FOR: MULTI-HANDLED SEALED BAG

EXAMINER: JES F. PASCUA

ART UNIT: 3727

CON No.: 9198

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## AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed 06/30/2008, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 10 of this paper.

### Certificate of Electronic Filing

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being electronically filed with the U.S. Patent and Trademark Office on the date entered below.

Date of Electronic Submission  
33449-8047.LSU0/LEGAL14614543.1

Amy Shields

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**Amendments to Claims:**

1. (Cancelled).

2. (Previously presented) The sealed, multi-handled bag of claim 15, wherein the pair of opposing panels includes a first portion of a tube wall substantially opposing a second portion of the tube wall.

3. (Cancelled)

4. (Previously presented) The sealed, multi-handled bag of claim 5, wherein the first handle further comprises a patch attached to the stack of panels and the one of a cut and a series of perforations extends through the patch.

5. (Currently amended) A sealed, multi-handled bag for packaging loose materials comprising:

A two paneled non-resealable sealed ~~substantially~~ tubular shaped body without intucked sides, having a first end and a second end, the second end being substantially opposite the first end in a longitudinal direction of the non-resealable sealed body, the body including a pair of opposing panels defining a storage cavity therebetween, the opposing panels being directly attached to each other at the first end to form a non-resealable first seam and at the second end to form a non-resealable second seam and each panel having a thickness of about 3 to 12 mils;

a first flap formed from first portions of the opposing panels extending in the longitudinal direction beyond the first seam at the first end;

a first handle formed in the first flap; and

a second handle attached to the second end;

wherein the first flap includes a stack of panels formed from the first portions of the opposing panels, the first handle is formed by one of a cut and series of perforations formed through the stack, and the stack of panels includes a double stack of panels

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formed from the first portions of the opposing panels folded over along a fold line transverse to the longitudinal direction and attached to themselves;

and a first tear seam formed at the first end.

6. (Previously presented) The sealed, multi-handled bag of claim 15, wherein the second handle includes a rigid handle attached to the second end.

7. (Original) The sealed, multi-handled bag of claim 6, wherein the rigid handle includes an injection-molded plastic handle.

8. (Previously presented) The sealed, multi-handled bag of claim 15, further comprising loose materials stored within the storage cavity.

9. (Original) The sealed, multi-handled bag of claim 8, wherein the loose materials include salt.

10. (Original) The sealed, multi-handled bag of claim 9, wherein the loose materials are selected from the group consisting of fertilizer, cement, granular chemicals, pet food, and landscaping materials.

11. (Currently amended) The sealed, multi-handled bag of claim 15, wherein the sealed multi-handled bag further comprises a second flap formed from portions of the opposing panels extending beyond the second seam at the second end.

12. (Original) The sealed, multi-handled bag of claim 11, wherein the second handle is formed in the second flap.

13. (Previously presented) The sealed, multi-handled bag of claim 15, wherein the opposing panels include one or more layers of plastic material.

14. (Original) The sealed, multi-handled bag of claim 13, wherein the plastic material includes a polyolefin material.

15. (Currently amended) A sealed, multi-handled bag for packaging loose materials comprising:

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a two paneled non-resealable sealed substantially-tubular shaped body having outwardly protruding sides having a first end and a second end, the second end being substantially opposite the first end in a longitudinal direction of the body, the body including a pair of opposing panels defining a storage cavity therebetween, the opposing panels being directly attached to each other at the first end to form a non-resealable first seam and at the second end to form a non-resealable second seam, and each panel having a thickness of about 3 to 12 mils;

a first flap formed from first portions of the opposing panels extending in the longitudinal direction beyond the first seam at the first end;

a first handle formed in the first flap; and

a second handle attached to the second end;

wherein the first flap includes a stack of panels formed from the first portions of the opposing panels, the first handle is formed by one of a cut and a series of perforations formed through the stack, and the stack of panels includes a double stack of panels formed from the first portions of the opposing panels folded over along a fold line transverse to the longitudinal direction and attached to themselves;

and a first tear seam formed at the first end.

16. (Currently Amended) The sealed, multi-handled bag of claim 585, further comprising a second tear seam at the second end.

17. (Currently Amended) The sealed, multi-handled bag of claim 585, further comprising a plurality of tear seams.

18. (Cancelled).

19. (Currently Amended) The sealed, multi-handled loose-materials bag of claim 29, wherein the first handle includes:

— a sheet having one or more layers; and

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is formed by one of a cut and a series of perforations formed through thea first and second plastic sheet wherein the plastic sheets each have one or more layers. sheet to form a grip.

20. (Currently Amended) The sealed, multi-handled loose-materials bag of claim 19, wherein the first handle further comprises a patch attached to ~~the~~ a first or second plastic sheet and the one of a cut and a series of perforations extends through the patch.

21. (canceled)

22. (Currently Amended) The sealed, multi-handled loose-materials bag of claim 29, wherein the ~~first~~ second handle includes a rigid handle.

23. (Original) The sealed, multi-handled loose-materials bag of claim 22, wherein the rigid handle includes an injection-molded plastic handle.

24. (Previously presented) The sealed, multi-handled loose-materials bag of claim 29, wherein the loose materials include salt.

25. (Previously presented) The sealed, multi-handled loose-materials bag of claim 29, wherein the loose materials are selected from the group consisting of fertilizer, cement, granular chemicals, pet food, and landscaping materials.

26. (Previously presented) The sealed, multi-handled loose-materials bag of claim 29, wherein the first and second handles are formed from the first and second sheets.

27. (Previously presented) The sealed multi-handled loose-materials bag of claim 29, wherein the first and second sheets include one or more layers of plastic material.

28. (Original) The sealed, multi-handled loose-materials bag of claim 27, wherein the plastic material includes a polyolefin material

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29. (Currently amended) A sealed, multi-handled loose-materials bag comprising:

a two sided sealed substantially tubular shaped body without intucked sides having a first end and a second end, the second end being substantially opposite the first end in a longitudinal direction of the body, the body including a first plastic sheet spaced apart from a second plastic sheet to form a storage cavity, the plastic sheets being directly sealed to each other at the first and second ends to form non-resealable seals at the first and second ends, the sealed body being non-resealable, and each sheet having a thickness of about 3 to 12 mils;

loose materials stored within the storage cavity;

a first flap formed from first portions of the plastic sheets extending in the longitudinal direction beyond the first seam at the first end;

a first handle attached to the first end; and

a second handle attached to the second end;

wherein the first flap includes a stack of panels formed from the first portions of the plastic sheets, the first handle is formed by one of a cut and a series of perforations formed through the stack, and the stack of panels includes a double stack of panels formed from the first portions of the plastic sheets folded over along a fold line transverse to the longitudinal directions and attached to themselves;

and a first tear seam formed at the first end.

30. (Currently Amended) The sealed, multi-handled loose-materials bag of claim ~~62~~29, further comprising a second tear seam at the second end.

31. (Canceled)

32. (Currently amended) A sealed, multi-handled salt bag comprising:

a plastic tube ~~having outwardly protruding sides and~~ having opposing portions of the tube heat-sealed directly to each other to form a non-resealable first seal at a first



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end and a non-resealable second seal at a second end substantially opposite to the first end in a longitudinal direction of the tube to form a non-resealable sealed bag, the opposing portions having a thickness of about 3 to 12 mils;

salt contained within a cavity of the sealed bag;

a first flap formed from first portions of the opposing tube portions longitudinally extending beyond the first seal;

a first handle formed in the first flap;

a second flap formed from portions of the opposing tube portions longitudinally extending beyond the second seal; and

a second handle formed in the second flap;

wherein the first flap includes a stack of panels formed from the first portions of the opposing panels, the first handle is formed by one of a cut and a series of perforations formed through the stack, and the stack of panels includes a double stack of panels formed from the first portions of the opposing panels folded over along a fold line transverse to the longitudinal direction and are attached to themselves.

Claims 33-41. (Canceled).

42. (Previously presented) The sealed, multi-handled bag of claim 5, wherein the pair of opposing panels includes a first portion of a tube wall substantially opposing a second portion of the tube wall.

43. (Cancelled).

44. (Previously presented) The sealed, multi-handled bag of claim 15, wherein the first handle further comprises a patch attached to the stack of panels and the one of a cut and a series of perforations extends through the patch.

45. (Cancelled).

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46. (Previously presented) The sealed, multi-handled bag of claim 5, wherein the second handle includes a rigid handle attached to the second end.

47. (Previously presented) The sealed, multi-handled bag of claim 46, wherein the rigid handle includes an injection-molded plastic handle.

48. (Previously presented) The sealed, multi-handled bag of claim 5, further comprising loose materials stored within the storage cavity.

49. (Previously presented) The sealed, multi-handled bag of claim 48, wherein the loose materials include salt.

50. (Previously presented) The sealed, multi-handled bag of claim 49, wherein the loose materials are selected from the group consisting of fertilizer, cement, granular chemicals, pet food, and landscaping materials.

51. (Previously presented) The sealed, multi-handled bag of claim 5, wherein the sealed, multi-handled bag further comprises a second flap formed from portions of the opposing panels extending beyond the second seam at the second end.

52. (Previously presented) The sealed, multi-handled bag of claim 51, wherein the second handle is formed in the second flap.

53. (Previously presented) the sealed, multi-handled bag of claim 5, wherein the opposing panels include one or more layers of plastic material.

54. (Previously presented) The sealed, multi-handled bag of claim 53, wherein the plastic material includes a polyolefin material.

55. (Cancelled)

56. (Currently Amended) The sealed, multi-handled bag of claim ~~55~~15, further comprising a second tear seam at the second end.

57. (Currently Amended) The sealed, multi-handled bag of claim ~~55~~15, further comprising a plurality of tear seams.

58. (Canceled)

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59. (Previously presented) The sealed, multi-handled bag of claim 5, wherein the first seam at the first end extends across a width of the body in a direction substantially perpendicular to the longitudinal direction.

60. (Canceled)

61. (Previously presented) The sealed, multi-handled bag of claim 15, wherein the first seam at the first end extends across a width of the body in a direction substantially perpendicular to the longitudinal direction.

62. (Canceled)

63. (Previously presented) The sealed, multi-handled loose-materials bag of claim 29, wherein the first seam at the first end extends across a width of the body in a direction substantially perpendicular to the longitudinal direction.

64. (Previously presented) The sealed, multi-handled salt bag of claim 32, further comprising a first tear seam formed in the body at the first end.

65. (Previously presented) The sealed, multi-handled salt bag of claim 32, wherein the first seam at the first end extends across a width of the body in a direction substantially perpendicular to the longitudinal direction.

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**REMARKS**

Claims 2, 4-17, 19-32, 42, 44 and 46-65 are pending in this application. Claims 2, 4-17, 19-32, 42, 44 and 46-54 and 56-65 have been rejected in the Office Action dated June 30, 2008. Applicant has amended claims 5, 15, 19-20, 22, 29, 30, 32, and 51 and canceled claims 21, 31, 58, 60, and 62 without prejudice. Support for these amendments can be found at, e.g., [22], [34], [40] and Figs. 1, 6, and 14 and throughout the specification and claims as originally filed. Reconsideration and allowance in view of the following amendments and remarks are requested.

***Claim Rejections – 35 USC § 103***

1. Claims 2, 5, 8-15, 19, 21, 24-29, 31, 32, 42, 48-54, 59, 61 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,338, 117 to Kucksdorf et al. and U.S. Patent No. 3,249,285 to Dollheimer et al.

The Office Action maintains the rejections set forth in the January 14, 2008 Office Action. Additionally, the Office Action states that Kucksdorf meets the limitation of a "substantially tubular shaped body" to the same degree applicant sets for the metes and bounds of the term "tubular." Applicant respectfully disagrees. The claims as amended, however, recite a "two paneled" or "two sided" and/or "tubular shaped body," and such claims would not be obvious over Kucksdorf in view of Dollheimer. Kucksdorf is directed to "bags of the leakproof type having a rectangular end construction." Col. 1, ll. 8-9. As shown in Figs. 22 and 23, the bag of Kucksdorf has a rectangular, cube or box-like shape with 6 sides. This bag is not tubular, as "tubular" refers to an object

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"having the form of or consisting of a tube." Merriam-Webster Online. Dollheimer, meanwhile, teaches a bag having a reinforced hand-holding portion. Col. 2, ll. 13-25; Fig. 2.

It would not have been obvious to modify the six sided rectangular shaped Kucksdorf bag with the bag design and hand holding portion of Dollheimer because such a modification would have destroyed the stated functionality of Kucksdorf. The purpose of the Kucksdorf bag design is to create a bag that overcomes the problems associated with "bags which have a pinched top type of closure whereby there is a significant amount of unused dead space" which "are often stored in a non-upright position whereby they get crushed and lose their visual appeal to customers, particularly with respect to the display of the graphics thereon." Col. 1, ll. 30-41. Kucksdorf has attempted to overcome this problem by designing a bag that 1) "will be constructed so as to provide rigidity to the package so that it maintains its shape on the shelf;" and 2) "the packaged bag will be formed in the shape of a rectangular container having six sides. To this end both the top and the bottom end of the bag are formed to provide a flat face extending across the top and bottom ends between four rectangularly arranged sides. By this arrangement, the graphics can be presented on all six sides of the bag so that, when the bag is displayed in the store shelf, it can be arranged to provide a display on any of the six sides and thereby offer consumer appeal for purposes of selling and informing the consumer." Col. 1, ll. 49-51; Col. 1, l. 65 to Col. 2, l. 6.

A person of skill in the art would have no reason to modify the six sided, rectangular two handled bag of Kucksdorf with the reinforced hand-holding portion of Dollheimer to form a tubular shaped bag according to the claimed invention. Doing so

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would have eliminated the "rigidity to the package so that it maintains its shape on the shelf." Also, such a modified bag would no longer "be formed in the shape of a rectangular container having six sides...to provide a flat face extending across the top and bottom ends between four rectangularly arranged sides" such that "the graphics can be presented on all six sides of the bag so that, when the bag is displayed in the store shelf, it can be arranged to provide a display on any of the six sides and thereby offer consumer appeal for purposes of selling and informing the consumer." Thus, this combination of art would not have been obvious because it would have destroyed the stated functionality of Kucksdorf.

Additionally, Dollheimer teaches reinforcing the hand-holding portion of the bag with added thickness to bear the load during lifting (col. 2, ll. 24-26, 49-50). It would be no more than 20/20 hindsight to state it would have been obvious to create the claimed invention and attempt to reduce the pressure applied to the user's hands by adding a pair of handles at opposite ends of the Dollheimer bag, when Dollheimer teaches increasing the strength of the hand-holding portion for heavier contents by increasing its thickness to "bear the load during lifting of the bag," and carrying the bag upright by placing two handles on the same side of the bag (Fig. 7). Thus, Applicant submits that the claims would not have been obvious over the cited art and respectfully request that this rejection be reconsidered and withdrawn.

Applicant also submits that contrary to the statement made in the Office Action at page 10, ¶ 12, that "Figs. 22 and 23 of Kucksdorf clearly show a multi-handled bag comprising a body without intucked sides (12', 14'), the bag shown in Figs. 22 and 23 does in fact have intucked sides 11' and 13'. Kucksdorf reads: "opposed intucked sides

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11 and 13 and a pair of opposed flat sides, 12 and 14," (Col. 3, ll. 38-40) and "the packaged bag 21 shown in Figs. 22 and 23 is similar to the bag 10 wherefore corresponding parts have been given the same reference numerals with primes added" (Col. 7, ll. 19-22). Therefore, because Kucksdorf teaches intucked sides 11' and 13', it can't be "without intucked sides."

2. Claims 4, 16, 17, 20 30, 44, 55-58, 60, 62 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kucksdorf et al. and Dollheimer et al. as applied to claim 5 above, and further in view of U.S. Patent No. 5,593,229 to Warr.

The Office Action maintains the rejections set forth in the January 14, 2008 Office Action. In response, Applicant submits that for at least the reasons discussed above, the rejected claims would not have been obvious over Kucksdorf et al. and Dollheimer, and further in view of Warr, as Warr does not correct the deficiencies of the above references. Thus, Applicant submits that the claims would not have been obvious over the cited art and respectfully request that this rejection be reconsidered and withdrawn.

3. Claims 2, 5-8, 10, 13-15, 19, 21-23, 25, 27-29, 31-32, 42, 46-48, 50, 53, 54, 59, 61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,782,562 to Anspacher and U.S. Patent No. 3,249,285 to Dollheimer et al.

The Office Action maintains the rejections set forth in the January 14, 2008 Office Action. Additionally, the Office Action states that "Anspacher discloses the container being 'heat sealed on all four sides,' which heat seals are considered to be non-resealable. Applicant respectfully disagrees. The present claims are directed to a

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"sealed, multi-handled bag for packaging loose materials comprising: a...non-resealable sealed tubular shaped body." Anspacher does not teach a non-resealable sealed body. Anspacher is directed to "a resealable container." (col. 1, l. 10). The embodiment of Fig. 6, pointed out in the Office Action, includes a "container 110 preferably heat sealed on all four sides with one upper corner 145 left unsealed to provide a mouth." Col. 7, ll. 10-11. "Closure strips 142 and 144 are provided at the unsealed corner 145 of the rectangular body to seal the bag when the material is not being dispensed." Col. 7, ll. 22-24. The Anspacher bag is meant to be resealable (closed and reopened as many times as needed (see, e.g., Col. 6, ll. 65-67)), and it would not have been obvious to modify such a bag with the folded reinforced hand-holding portion of Dollheimer, which portion is folded over and sealed to the side of the bag with a heat seal. (Dollheimer, col. 2, ll. 17-31). Such a modification would have destroyed the resealable functionality of the Anspacher bag. Similarly, one of skill in the art would not have modified the Dollheimer bag with a resealable set of closure strips which would have eliminated the folded reinforced sealed hand-holding portion at the bag end and its stated functionality of bearing the load during lifting. Additionally, the only two hand lifting arrangement contemplated by Dollheimer includes holes in two corners on the same side of the bag as the bag is meant to be carried upright. See Fig. 7, col. 3, ll. 33-37. Thus, Applicant submits that the claims would not have been obvious over the cited art and respectfully request that this rejection be reconsidered and withdrawn.



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4. Claims 2, 4-15, 19-29, 31, 42, 44, 46-54, 59, 61, 63 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,383,017 to Krings and Dollheimer et al. The Office Action reads, "Krings discloses the claimed invention, especially the handles including a patch of rigid plastic material (column 2, lines 34-45). However, Krings shows the handles formed through a single stack of panels instead of a double stack of panels. Dollheimer et al. shows that a handle formed through a double stack of panels is an equivalent structure known in the art. Therefore, because these two handle means were art recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the Krings handles formed through a single stack of panels for handles formed through a double stack of panels." Applicant respectfully disagrees.

The present claims as amended recite a multi-handled bag comprising... "each panel (or sheet) having a thickness of about 3 to 12 mils" and/or "a first tear seam formed at the first end" of the bag. Neither of these limitations are taught by Krings or Dollheimer. In fact, the dependent claims directed to a first or second tear seam were not made part of this rejection. Additionally, such dimensions would not have been an obvious design choice in view of the teachings of Krings and Dollheimer as Krings is directed to "aerial drop containers for fuel adapted to be dropped from airplanes or the like." Col. 1, ll. 9-11. "Containers which can be used for such a drop (without parachute) have to exhibit, in addition to a sufficient resistance against the filling media, a high mechanical strength and resistance with respect to the high stresses during impact." Col. 1, 28-31. To withstand the impact from such drops, it is necessary "to manufacture the containers of a material having high tensile strength and high elasticity"

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(Col. 1, ll. 57-59) and "preferably with a wall thickness of 0.5-2 mm" (Col. 1, ll. 70-72).

This is much thicker than the claimed panels having a thickness of about 3 to 12 mils. Indeed, even the smallest thickness disclosed in Krings, 0.5 mm, is about 19 mils, which is 7 mils thicker than the high end of the claimed range at 12 mils. It would not have been obvious to modify the container of Krings to include thinner walls of about 3 to 12 mils, where the much thicker dimensions of the Krings container impart higher mechanical strengths and are a necessary component for the container to achieve its aerial drop functionality.

Also, it would not have been obvious to modify the container of Krings with the reinforced hand holding portion of Dollheimer, as the thick walls of Krings would not be conducive for folding to create a double stacked handle. The container of Krings is also made to include a "rigid plastic pipe 7" which is readily inserted between the walls in an aperture at the end of the container handle (col. 4, ll. 30-39; Fig. 1), which would also interfere with folding over the end of the container to create a double stacked handle. The Krings container also includes a spout 8 welded in between the two walls of the container for filling and emptying the container. Col. 4, ll. 60-65. The spout or nozzle is meant to fill or empty fuel into or out of the container. It would not have been obvious to modify the Krings bag with a folded double stacked handle or a tear seam, as the folding and seal of the container end would have been obstructed by the pipe 7. Also, adding a tear seam to Krings would have disrupted the functionality of the spout or nozzle used to fill or empty the fuel container and would have been difficult to implement in the thicker material and where the pipe 7 is present. Thus, Applicant submits that the

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claims would not have been obvious over the cited art and respectfully request that this rejection be reconsidered and withdrawn.

Regarding, claims 8-10, 24, 25, 29, 32 and 48-50, Applicant submits that it would not have been a matter of obvious design choice to include the claimed contents of the multihandled bag in a Krings container, as modified by Dollheimer. The Krings container is meant for carrying fuel. The Krings container includes a spout or nozzle for pouring such fuel, and contrary to the Office Action's statement, it does not appear that the Krings container would perform equally well with the claimed contents. Such contents, e.g., salt, fertilizer, cement, etc. would pose an increased risk of clogging the spout or nozzle, making it difficult to either fill or empty such contents via the spout or nozzle.

Applicant also submits that several of the dependent claims rejected by the outstanding Office Action include additional novel features, or features similar to or cumulative with those shown above to be allowable. Thus, many of the dependent claims not specifically addressed herein are believed to be separately allowable over the cited references.

In view of the foregoing, it is submitted that the claims are in condition for allowance. A Notice of Allowance is requested.

Dated: September , 2008

Respectfully submitted,

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